

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

USA REAL ESTATE FUND 1, INC.  
and DANIEL F. PETERSON,

Defendants.

NO. CV-13-0157-LRS

**STIPULATED PRELIMINARY  
INJUNCTION ORDER AS TO  
DANIEL F. PETERSON**

**BEFORE THE COURT** is the plaintiff Securities and Exchange Commission's Motion For Preliminary Injunction (ECF No. 3), filed April 25, 2013; and the parties' Stipulation and Proposed Order of Preliminary Injunction (ECF No. 13), filed June 18, 2013.

**BACKGROUND**

**WHEREAS**, on April 24, 2013, plaintiff Securities and Exchange Commission (the "Commission") filed its complaint in this action against defendants USA Real Estate Fund 1, Inc. ("USA Fund") and Daniel F. Peterson, which was served upon Peterson by personal service on April 25, 2013;

**WHEREAS**, on April 25, 2013, the Commission moved for a Preliminary Injunction against defendants seeking to enjoin them from engaging in certain ongoing conduct and from violating certain

1 anti-fraud provisions of the federal securities laws, which was  
2 served upon Peterson by personal service on April 25, 2013;

3 **WHEREAS**, defendant Peterson filed an answer to the complaint on  
4 or about May 16, 2013, and on May 24, 2013, counsel for defendant  
5 Peterson entered an appearance;

6 **WHEREAS**, the Court has jurisdiction over the parties and the  
7 subject matter of this action, pursuant to Sections 21(d), 21(e),  
8 and 27 of the Securities Exchange Act of 1934 ("Exchange Act") [15  
9 U.S.C. §§ 78u(d), 78u(e), and 78aa];

10 **WHEREAS**, Daniel F. Peterson represents that as of June 17,  
11 2013, he had resigned from his position as an officer and director  
12 of USA Fund and its subsidiaries;

13 **THEREFORE**, the Commission and Daniel F. Peterson stipulate and  
14 agree, and ask the Court to adopt as its Order the following:

15  
16 **PRELIMINARY INJUNCTION**

17 **I.**

18 Defendant Daniel F. Peterson, his agents, servants, employees,  
19 attorneys-in-fact, and those persons in active concert or  
20 participation with any of them, who receive actual notice of this  
21 Order of Preliminary Injunction, by personal service or otherwise,  
22 and each of them, are temporarily restrained and enjoined, until  
23 further order from this Court, from directly or indirectly  
24 participating in the issuance, offer, or sale of any security of an  
25 entity Defendant Daniel F. Peterson controls, including but not  
26 limited to securities of USA Real Estate Fund 1, Inc. and its  
27 subsidiaries.

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1 **IV.**

2 Defendant Daniel F. Peterson, his agents, servants, employees,  
3 attorneys, and those persons in active concert or participation with  
4 any of them, who receive actual notice of this Order of Preliminary  
5 Injunction, by personal service or otherwise, and each of them,  
6 are temporarily restrained and enjoined, until further order from  
7 this Court, from, in the offer or sale of any securities, by the use  
8 of any means or instruments of transportation or communication in  
9 interstate commerce or by the use of the mails, directly or  
10 indirectly:

11 1. employing any device, scheme, or artifice to defraud;

12 2. obtaining money or property by means of any untrue  
13 statement of a material fact or any omission to state a material  
14 fact necessary in order to make the statements made, in light of the  
15 circumstances under which they were made, not misleading; or

16 3. engaging in any transaction, practice, or course of  
17 business which operates or would operate as a fraud or deceit upon  
18 the purchaser;

19 in violation of Section 17(a) of the Securities Act of 1933, 15  
20 U.S.C. § 77q(a).

21 **V.**

22 Defendant Daniel F. Peterson is temporarily restrained and  
23 enjoined, until further order from this Court, from (i) acting as an  
24 officer or director of USA Fund or its successors or assigns; (ii)  
25 possessing or exercising, directly or indirectly, the power to  
26 direct or cause the direction of the management or policies of USA  
27 Fund its successors or assigns, whether through ownership of voting  
28 securities, by contract, or otherwise; and (iii) directly or

1 indirectly offering or selling any security for or on behalf of USA  
2 Fund or its successors or assigns.

3 **IT IS HEREBY ORDERED** that:

4 1. Plaintiff's Motion for Preliminary Injunction, ECF No. 3,  
5 is **GRANTED in part** based on the Stipulation and Proposed Order of  
6 Preliminary Injunction as to Daniel F. Peterson (ECF No. 13), filed  
7 on June 18, 2013.

8 The District Court Executive is directed to enter this order.

9 **DATED** this 20th day of June, 2013.

10 ***s/Lonny R. Suko***

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12 LONNY R. SUKO  
13 United States District Judge  
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